



01-16-01 CPA/1761 ✓  
CONTINUED PROSECUTION PATENT  
APPLICATION TRANSMITTAL

(for Continued Prosecution Applications  
under 37 C.F.R. §1.53(d))

Attorney Docket No. 70482

First Named Inventor: COPPENS  
Total Pages:

01-23-01  
DW

REQUEST FOR CONTINUED PROSECUTION APPLICATION (CPA)  
UNDER 37 C.F.R. §1.53(d)

Box CPA  
Commissioner of Patents and Trademarks  
ATTENTION: Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a  
Continued Prosecution Application  
(CPA) under 37 C.F.R. §1.53(d)  
which is a:

- (X) Continuation application,  
( ) Divisional application,

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"

) "Express Mail" Mailing Label Number

) EL 667 434 861 US

) Date of Deposit January 12, 2001

) I hereby certify that this paper or fee is being  
) deposited with the United States Postal Service  
) "Express Mail Post Office to Addressee" Service  
) under 37 CFR §1.10 on the date indicated above and  
) is addressed to the Commissioner of Patents and  
) Trademarks, Washington, D.C. 20231.

) JOHNNY HAYNER  
) (Typed or printed name of person mailing)

) JOHNNY HAYNER  
) (Signature of person mailing)

of pending prior nonprovisional application number 08/898,736, filed on  
July 23, 1997, entitled Process for the Preparation of  
(Date) Malted Cereals

by the following named inventors identified by full name, citizenship,  
residence and post office address, which are the same or fewer than all of  
the inventors named in the prior nonprovisional application (as of today's  
date):

1. Theo Coppens (citizenship: Belgium)  
Nieuwstraat, 37  
B-3120 Tremelo, Belgium
2. Jan Decour (citizenship: Belgium)  
Kastanjelaan, 14  
B-3001 Heverlee, Belgium
3. Dirk Iserentant (citizenship: Belgium)  
Molenstraat, 40  
B-3018 Wijgmaal, Belgium

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01 FC:131  
02 FC:102  
03 FC:103  
04 FC:104

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240.00  
864.00  
270.00

The above-identified prior nonprovisional application, in which no payment  
of the issue fee, abandonment of, or termination of proceedings, has  
occurred, is hereby expressly abandoned as of the filing date of this

request for a continued prosecution application. Please use the file jacket and all the contents of the prior nonprovisional application, including the specification, drawings, and the oath or declaration, as the basic papers for the new continued prosecution application. (Note: 37 C.F.R. §1.53(b) may be used for applications where the prior application is not to be abandoned.)

1. ( ) Because this continued prosecution application is filed by fewer than all of the inventors named in the prior nonprovisional application, please delete from this application the following inventor(s) named in the prior nonprovisional application:

\_\_\_\_\_

2. ( ) Priority of application number \_\_\_\_/\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §119.

( ) The certified copy of the priority document has been filed in prior application number \_\_\_\_/\_\_\_\_, filed \_\_\_\_\_.

( ) A certified copy of the priority document is enclosed.

3. ( ) An Information Disclosure Statement is enclosed.

( ) A Form PTO-1449 is enclosed.

( ) \_\_\_\_\_ References (copies) listed on the Form PTO-1449 are enclosed.

4. (X) A separate written request under 37 C.F.R. §1.136(a) (3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.

5. (X) A Return Receipt Postcard is enclosed (MPEP §503).

6. ( ) Small Entity Status (37 C.F.R. §1.28(a)(2)):

( ) A statement of status as small entity is enclosed.

( ) A statement of status as small entity was filed in the prior, nonprovisional application, and small entity status is still proper and desired in this new nonprovisional application.

( ) Status as a small entity is no longer claimed.

7. ( ) Enter the amendment previously filed on \_\_\_\_\_ under 37 C.F.R. §1.116, but unentered, in the prior nonprovisional application.

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- ( ) A preliminary amendment to the prior nonprovisional application (as it existed prior to the filing of this new application) requesting new changes to the prior nonprovisional application is enclosed, and does not introduce new matter into the prior or new application.

9. (X) The filing fee is calculated below:

Fee Calculation under 37 C.F.R. §1.16 For Claims Existing in the Prior Nonprovisional Application, As Amended at 7 and 8 Hereinabove		
( ) Basic Utility Fee	\$710.00	\$ <u>710.00</u>
• (X) Independent Claims <u>6</u> - 3 = <u>3</u> x \$ 80.00 =		\$ <u>240.00</u>
• (X) Total Claims <u>68</u> - 20 = <u>48</u> x \$ 18.00 =		\$ <u>864.00</u>
• (X) Fee for Multiply Dependent Claims	\$270.00	\$ <u>270.00</u>
or		
( ) Basic Design Fee	\$ 320.00	\$ _____
Total of above Calculations		\$ <u>2,084.00</u>
Reduction by 50% for Filing by Small Entity		\$ _____
Total		\$ <u>2,084.00</u>

10. (X) The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. §§1.16 and 1.17 and are not paid herewith, or credit any overpayment, to Deposit Account Number 06-1135. A duplicate copy of this request is enclosed.

11. ( ) A check in the amount of \$ \_\_\_\_\_ is enclosed.

12. ( ) The prior nonprovisional application is assigned of record to \_\_\_\_\_.

13. (X) The power of attorney in the prior nonprovisional application is to:

(X) Timothy E. Levstik, Reg. No. 30,192,

FITCH, EVEN, TABIN, & FLANNERY  
Suite 1600  
120 South LaSalle Street  
Chicago, Illinois 60603-3406  
and other members of the firm.

(X) Customer Number 22242.

14. ( ) A new power of attorney or authorization of agent is enclosed.

15. (X) Also enclosed:  
Three-month Petition for Extension of Time with  
check \$890.00.

16. (X) Address all future communications to Customer Number 22242.



It is understood that confidentiality by the applicants under 35 U.S.C. §122 is hereby waived to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning either the prior nonprovisional application, or any continuing application filed under 37 C.F.R. §1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

January 12, 2001

(Date)

A handwritten signature in dark ink, appearing to read 'James P. Krueger', written over a horizontal line.

James P. Krueger

Registration No. 35,234

(X) Attorney or agent of record

( ) Inventor(s)

( ) Assignee

( ) Filed under §1.34(a)

FITCH, EVEN, TABIN & FLANNERY  
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Chicago, Illinois 60603-3406  
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Facsimile: (312) 577-7007